

# STATE OF ILLINOIS



## ILLINOIS COMMERCE COMMISSION TRANSPORTATION DIVISION / RAIL SAFETY SECTION

Michael E. Stead

Rail Safety Program Administrator

March 14, 2005

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|--|---|
| Victor A. Modeer<br>Director of Highways<br>Illinois Department of Transportation<br>2300 S. Dirksen Parkway<br>Springfield, IL 62764<br>ATTN: Jeff Harpring, Room 205 | Michael J. Barron, Jr.<br>Illinois Central Railroad Company<br>17641 S. Ashland Avenue<br>Homewood, IL 60430-1345 |
| James Kvedaras<br>Illinois Central Railroad Company<br>17641 S. Ashland Avenue<br>Homewood, IL 60430-1345  | Ben Bland, P.E.<br>Cumberland County Engineer<br>800 E. Industrial Drive<br>Toledo, IL 62468                      |
| Lloyd Lacy<br>Neoga Township Supervisor<br>590a County Road 750N<br>Neoga, IL 62447  | Doris McKay<br>Neoga Township Clerk<br>88 County Road 1400N<br>Neoga, IL 62447                                    |
| David D. Johnston<br>Neoga Township Highway Commissioner<br>608 County Road 1000N<br>Neoga, IL 62447   | Gary A. Mercer, Mayor<br>City of Neoga<br>P.O. Box 248<br>Neoga, IL 62447-0248                                    |
| Brenda Evans, Clerk<br>City of Neoga<br>P.O. Box 248<br>Neoga, IL 62447-0248   |   |

Dear Ladies and Gentlemen:

Enclosed is a revised copy of Staff's MOTION FOR A CONTINUANCE in **Docket T05-0007**. The original Motion submitted on March 11, 2004, included some typographical errors that were not detected until after the document was mailed. Please replace the original document with this revised Motion.

If you have any questions, please contact Joe VonDeBur at (217) 557-8426 of [jvondebu@icc.state.il.us](mailto:jvondebu@icc.state.il.us).

Very truly yours,

A handwritten signature in dark ink, appearing to read "M. Stead".

Michael E. Stead  
Rail Safety Program Administrator

Enclosure

**DOCKETED**

STATE OF ILLINOIS

ILLINOIS COMMERCE COMMISSION

Illinois Central Railroad Company,  
Petitioner

v.

Neoga Township, the City of Neoga and the State of Illinois,  
Department of Transportation,  
Respondents.

T05-0007

Petition of Illinois Central Railroad Company seeking an order of closure of Cemetery Road/TR 67 (**AAR/DOT #289 160P, railroad milepost 185**) and TR 85 (**AAR/DOT #289 161W, railroad milepost 185.65**) highway-rail grade crossings of the Illinois Central Railroad Company's tracks, and an order authorizing installation of automatic flashers and gates at the TR 85A (**AAR/DOT #289 162D, milepost 186.16**) highway-rail grade crossing of the Illinois Central Railroad Company's tracks, all located in Neoga Township, Cumberland County, Illinois.

**MOTION FOR A CONTINUANCE**

Now comes the Staff of the Illinois Commerce Commission ("Staff") and hereby requests a continuance of the hearing set for March 24, 2005 in the above captioned matter to a date no earlier than May 24, 2005. In support thereof, Staff states as follows:

On February 7, 2005, the Illinois Central Railroad Company, ("Company") filed with the Illinois Commerce Commission ("Commission") a Petition for Closure of Grade Crossings and for Crossing Upgrade ("Petition") in the above-captioned matter, naming as Respondents Neoga Township ("Township"), the City of Neoga ("City"), and the State of Illinois, Department of Transportation ("Department") in which it requested authority to close the Cemetery Road/TR 67 and TR 85 highway-rail grade crossings of the Company's tracks, and an order authorizing installation of automatic flashing light signals and gates at the TR 85A highway-rail grade crossing of the Company's tracks, all located in Neoga Township, Cumberland County, Illinois.

On February 9, 2005, Chief Administrative Law Judge Dean Jackson issued a Notice of Hearing to all parties scheduling a hearing on the Company's Petition for March 24, 2005.

On March 10, 2005, representatives of the City, the Township, the Company, and Staff participated in a Town Meeting, held in Neoga, to discuss the proposed improvements. At the conclusion of the meeting it was determined that additional time is needed to review other construction options that may meet the goal of the Company's Petition.

It's is Staff's understanding that all parties are in agreement that taking additional time to review other construction options is prudent, and that none of the parties are opposed to this request for continuance.

Wherefore, Staff prays that the Commission grant the Motion for Continuance and that a hearing be held in this matter no earlier than May 24, 2005.

A handwritten signature in black ink, appearing to read 'M. E. Stead', is positioned above a horizontal line.

Michael E. Stead  
Rail Safety Program Administrator  
Rail Safety Section  
Illinois Commerce Commission

**AFFIDAVIT OF SERVICE**

The undersigned states that he served the foregoing Motion for Continuance by causing the same to be deposited in the United States Mail in Springfield, IL, on the 11<sup>th</sup> day of March 2005 to the following addresses:

Mr. Victor A. Modeer  
Director Of Highways  
Illinois Department of Transportation  
2300 S. Dirksen Parkway  
Springfield, IL 62764  
ATTN: JEFF HARPRING, ROOM 205

Mr. Michael J. Barron, Jr.  
Illinois Central Railroad Company  
17641 S. Ashland Avenue  
Homewood, IL 60430-1345

Mr. James Kvedaras  
Senior Manager  
Illinois Central Railroad Company  
17641 S. Ashland Avenue  
Homewood, IL 60430-1345

Mr. Ben Bland, P.E.  
Cumberland County Engineer  
800 E. Industrial Drive  
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Mr. Lloyd A. Lacy  
Neoga Township Supervisor  
590a County Road 750N  
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Ms. Doris McKay  
Neoga Township Clerk  
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P.O. Box 248  
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